

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SHERMAN BANARD WILLIAMS,

Plaintiff,

v.

CIVIL NO. 1:17-CV-209
(KLEEH)

THE STATE OF WEST VIRGINIA;
GRAY SILVERS, III; PAMELA
GAMES NEELY; CHERYL K. SAVILLE;
CATIE WILKES DELLIGATTI; JOHN
LEHMAN; and JAMES W. ADKINS,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 44] AND
DENYING PLAINTIFF'S MOTION REGARDING EXPUNGEMENT [ECF NO. 41]**

On May 3, 2021, the pro se Plaintiff, Sherman Banard Williams ("Plaintiff"), filed a motion, seemingly asking the Court for an expungement. Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the action to United States Magistrate Judge Michael J. Aloï (the "Magistrate Judge") for review. On February 25, 2022, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court deny Plaintiff's motion and, to the extent that Plaintiff is asserting objections to a previous R&R or responding to a previous order, that the objections or response be overruled.

The R&R informed Plaintiff that he had fourteen (14) days from the date of service of the R&R to file "specific written objections, identifying the portions of the Report and

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Recommendation to which objection is made, and the basis of such objection." It further warned him that the "[f]ailure to file written objections . . . shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals." Plaintiff accepted service of the R&R on February 28, 2022. To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 44]. Plaintiff's motion is **DENIED** [ECF No. 41]. All objections and responses, to the extent that Plaintiff is asserting them in his filing, are **OVERRULED**.

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It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record via email and the pro se Plaintiff via certified mail, return receipt requested, at the last known address on the docket.

DATED: March 18, 2022

/s/ Thomas S. Kleeh
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE